

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1325**

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**Introduced by Assembly Member John A. Pérez**

February 22, 2013

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An act to amend Section ~~594~~ 594.6 of the Penal Code, relating to vandalism.

LEGISLATIVE COUNSEL'S DIGEST

AB 1325, as amended, John A. Pérez. ~~Vandalism.~~ *Vandalism: punishment.*

Existing law makes every person who maliciously defaces with graffiti or other inscribed material, damages, or destroys any real or personal property not his or her own guilty of vandalism and punishable by imprisonment, or fine, or both imprisonment and fine, as specified. *Existing law further authorizes a court to impose, as a condition of probation, community service not to exceed 300 hours over a period not to exceed 240 days upon a person who has been convicted of vandalism or affixing graffiti or other inscribed material, as specified.*

This bill would ~~make a technical, nonsubstantive change to this provision.~~ *extend the period of time a person has to complete his or her imposed hours of community service from 240 days to one year.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 594.6 of the Penal Code is amended to  
2     read:

1 594.6. (a) Every person who, having been convicted of  
 2 vandalism or affixing graffiti or other inscribed material under  
 3 Section 594, 594.3, 594.4, or 640.7, or any combination of these  
 4 offenses, may be ordered by the court as a condition of probation  
 5 to perform community service not to exceed 300 hours over a  
 6 period not to exceed ~~240 days~~ *one year* during a time other than  
 7 his or her hours of school attendance or employment. Nothing in  
 8 this subdivision shall limit the court from ordering the defendant  
 9 to perform a longer period of community service if a longer period  
 10 of community service is authorized under other provisions of law.

11 (b) In lieu of the community service that may be ordered  
 12 pursuant to subdivision (a), the court may, if a jurisdiction has  
 13 adopted a graffiti abatement program as defined in subdivision (f)  
 14 of Section 594, order the defendant, and his or her parents or  
 15 guardians if the defendant is a minor, as a condition of probation,  
 16 to keep a specified property in the community free of graffiti for  
 17 up to one year. Participation of a parent or guardian is not required  
 18 under this subdivision if the court deems this participation to be  
 19 detrimental to the defendant, or if the parent or guardian is a single  
 20 parent who must care for young children.

21 (c) The court may order any person ordered to perform  
 22 community service or graffiti removal pursuant to subdivision (a)  
 23 or (b) to undergo counseling.

24 ~~SECTION 1. Section 594 of the Penal Code is amended to~~  
 25 ~~read:~~

26 ~~594. (a) Any person who maliciously commits any of the~~  
 27 ~~following acts with respect to any real or personal property not his~~  
 28 ~~or her own, in cases other than those specified by state law, is~~  
 29 ~~guilty of vandalism:~~

- 30 ~~(1) Defaces with graffiti or other inscribed material.~~
- 31 ~~(2) Damages.~~
- 32 ~~(3) Destroys.~~

33 ~~Whenever a person violates this subdivision with respect to real~~  
 34 ~~property, vehicles, signs, fixtures, furnishings, or property~~  
 35 ~~belonging to any public entity, as defined by Section 811.2 of the~~  
 36 ~~Government Code, or the federal government, it shall be a~~  
 37 ~~permissive inference that the person neither owned the property~~  
 38 ~~nor had the permission of the owner to deface, damage, or destroy~~  
 39 ~~the property.~~

1 ~~(b) (1) If the amount of defacement, damage, or destruction is~~  
2 ~~four hundred dollars (\$400) or more, vandalism is punishable by~~  
3 ~~imprisonment pursuant to subdivision (h) of Section 1170 or in a~~  
4 ~~county jail not exceeding one year, or by a fine of not more than~~  
5 ~~ten thousand dollars (\$10,000), or if the amount of defacement,~~  
6 ~~damage, or destruction is ten thousand dollars (\$10,000) or more,~~  
7 ~~by a fine of not more than fifty thousand dollars (\$50,000), or by~~  
8 ~~both that fine and imprisonment.~~

9 ~~(2) (A) If the amount of defacement, damage, or destruction is~~  
10 ~~less than four hundred dollars (\$400), vandalism is punishable by~~  
11 ~~imprisonment in a county jail not exceeding one year, or by a fine~~  
12 ~~of not more than one thousand dollars (\$1,000), or by both that~~  
13 ~~fine and imprisonment.~~

14 ~~(B) If the amount of defacement, damage, or destruction is less~~  
15 ~~than four hundred dollars (\$400), and the defendant has been~~  
16 ~~previously convicted of vandalism or affixing graffiti or other~~  
17 ~~inscribed material under Section 594, 594.3, 594.4, 640.5, 640.6,~~  
18 ~~or 640.7, vandalism is punishable by imprisonment in a county~~  
19 ~~jail for not more than one year, or by a fine of not more than five~~  
20 ~~thousand dollars (\$5,000), or by both that fine and imprisonment.~~

21 ~~(e) Upon conviction of any person under this section for acts~~  
22 ~~of vandalism consisting of defacing property with graffiti or other~~  
23 ~~inscribed materials, the court shall, when appropriate and feasible,~~  
24 ~~in addition to any punishment imposed under subdivision (b), order~~  
25 ~~the defendant to clean up, repair, or replace the damaged property~~  
26 ~~himself or herself, or order the defendant, and his or her parents~~  
27 ~~or guardians if the defendant is a minor, to keep the damaged~~  
28 ~~property or another specified property in the community free of~~  
29 ~~graffiti for up to one year. Participation of a parent or guardian is~~  
30 ~~not required under this subdivision if the court deems this~~  
31 ~~participation to be detrimental to the defendant, or if the parent or~~  
32 ~~guardian is a single parent who must care for young children. If~~  
33 ~~the court finds that graffiti cleanup is inappropriate, the court shall~~  
34 ~~consider other types of community service, where feasible.~~

35 ~~(d) If a minor is personally unable to pay a fine levied for acts~~  
36 ~~prohibited by this section, the parent of that minor shall be liable~~  
37 ~~for payment of the fine. A court may waive payment of the fine,~~  
38 ~~or any part thereof, by the parent upon a finding of good cause.~~

39 ~~(e) As used in this section, the term “graffiti or other inscribed~~  
40 ~~material” includes any unauthorized inscription, word, figure,~~

- 1 ~~mark, or design, that is written, marked, etched, scratched, drawn,~~
- 2 ~~or painted on real or personal property.~~
- 3 ~~(f) The court may order any person ordered to perform~~
- 4 ~~community service or graffiti removal pursuant to paragraph (1)~~
- 5 ~~of subdivision (c) to undergo counseling.~~
- 6 ~~(g) This section shall become operative on January 1, 2002.~~